

CIVIL DOCKET

UNITED STATES DISTRICT COURT

Jury demand date:

D. C. Form No. 106A Rev.

TITLE OF CASE		ATTORNEYS	
<p>WILLIAM EDWARD WARE</p> <p>vs</p> <p>ROYAL INDEMNITY CORPORATION, a foreign Corporation, and THE HERTZ CORPORATION, a foreign Corporation</p> <p>vs</p> <p>Aetna Casualty and Surety Company and Hartford Accident and Indemnity Company,</p> <p>Third-Party Defendants</p>		<p>For plaintiff:</p> <p>Farmer, Woolsey, Flippo & Bailey First National Building <i>NBT</i> Tulsa, Oklahoma <i>74103</i> LU5-1181</p> <p>For defendant:</p> <p>Rhodes, Hieronymus, Holloway & Wilson; and Philip N. Landa Hunt Building LU2-1173 Tulsa, Oklahoma 74103</p> <p>Covington, Gibbon & Poe Pythian Building Tulsa, Okla. 74103 LU5-5537</p>	

STATISTICAL RECORD	COSTS	DATE	NAME OR RECEIPT NO.	REC.	DISB.
J.S. 5 mailed 3-4-67	Clerk	1967 2-23	Covington & Gibbon	15 00	
J.S. 6 mailed 4-30-68	Marshal	3-2	C/D 37		15 00
		5-15-68	Farmer,	5 00	
		5-16-68	C/D 49		5 00
Basis of Action: Declaratory Judgment	Docket fee	5-22-68	Covington	5 00	
	Witness fees	5-23-68	CD 50		5 00
Action arose at: Tulsa, Okla	Depositions				

DATE	PROCEEDINGS	Date Order or Judgment Noted
2-23-67	Complaint filed and summons issued. ds	
3-6-67	Summons returned filed -served Royal Indemnity Corporation by serving Joe B. Hunt, State Insurance Commissioner and paying him \$3.00, at Oklahoma City, Oklahoma; and served The Hertz Corporation by serving John G. Hervey, Service Agent at Oklahoma City, Oklahoma; both on Feb. 24, 1967. (Fee \$8.72 + \$3.00) b	
3-15-67	Application of defendants for extension of time to file responsive pleading, filed. b	
3-15-67	Order filed, defendants Royal Indemnity Corporation, a foreign corporation, and The Hertz Corporation, a foreign is granted to April 4, 1967 within which to file a responsive pleading. (Luther Bohanon -Judge) b	
3-27-67	Defendant Royal Indemnity Corporation's motion to bring in third-party defendants, filed. b	
3-27-67	Order filed, that the defendant is granted to bring in Aetna Casualty & Surety Company and Hartford Accident & Indemnity Company as third-party defendant and third-party summons issue. (Luther Bohanon-Judge) b	
3-27-67	Third-party complaint, filed. x summons issued x b	
4-4-67	Application for leave to amend complaint, filed. g	
4-4-67	Brief in support of application for leave to amend complaint, filed. g	
4-5-67	Return on thired-party summons, filed. Executed by serving Joe B. Hunt, State Ins. Commission, for Aetna Casualty and Surety Co., at Oklahoma City, Okla, on 3-29-67. Served Hartford Accident and Indemnity Co. by serving Joe B. Hunt, State Insurance Commissioner, at Oklahoma City, Okla, on 3-29-67. Fee, \$8.72 ds	
4-10-67	Notice to take depositions of R.E. Nelson, etc., filed. h	
5-22-67	Deposition of Robert E. Nelson, taken by Borak Reporting Service, New York, N. Y., filed. (Fee \$) b	
6-5-67	Answer of Aetna Casualty and Surety Company, filed. ds	
6-6-67	Answer of Third-Party defendant, Hartford Accident & Indemnity Company, filed as to the third-party complaint. b	
3-31-67*	Motion of the defendant, The Hertz Corporation and the defendant and Third-party plaintiff, Royal Indemnity Corporation to dismiss, filed.	
3-31-67*	Brief of the defendant, The Hertz Corporation and the defendant and Third-party plaintiff, Royal Indemnity Corporation in support of their motion to dismiss, filed. b	
6-21-67	Motion of the plaintiff to compel R. E. Nelson to answer questions on oral examination on depositions, filed. b	
6-21-67	Affidavit of Robert J. Woolsey in support of motion to compel R. E. Nelson to answer questions on oral examination on depositions, filed. b	
6-21-67	Plaintiff's brief in support of motion to compel R. E. Nelson to answer questions on oral examination on depositions, filed. b	
5-26-67	Depositions of Burt Douglas Huddleston and George H. Lane, M.D., taken before Jeanne M. Wagner on behalf of defendants, filed. (\$115.80)g (see file in C-6581)	
6-26-67	Defendants represented by Philip N. Landa who presents an order. (Luther Bohanon - Judge)	
6-26-67	Order filed, that plaintiff is permitted to amend his complaint and defendants, Royal Indemnity Corporation and The Hertz Corporation are granted 15 days to plead thereto; said defendants withdraw their motion to dismiss. (Luther Bohanon - Judge) (FS-CSR) b	
7-7-67	Amendment to Complaint, filed. e	
7-11-67	Plaintiff's interrogatories to defendants, filed. b	
7-14-67	Application of Royal Indemnity Corporation and The Hertz Corporation for extension of time in which to plead, filed. b	

(Continued on Page No. 3, Sheet No. 2)

DATE	PROCEEDINGS	Date Order or Judgment Noted
7-14-67	Order filed, defendant and third-party plaintiff, Royal Indemnity Corporation and defendant, The Hertz Corporation, are granted to and including July 26, 1967, within which to file a responsive pleading to the amended complaint. (Luther Bohanon-Judge)	
7-24-67	Answers of defendant, The Hertz Corporation, to interrogatories propounded by the plaintiff filed. h	
7-24-67	Answers of defendant, Royal Indemnity Corporation, to interrogatories propounded by plaintiff filed. h	
7-25-67	Answer of defendants, Royal Indemnity Corporation and the Hertz Corporation, filed.	
7-25-67	Ordered by the Court that this case is set for pre-trial on Monday, August 7th, 1967 at 9:30 A. M. (Luther Bohanon - Judge) b	
8-7-67	Ordered by the Court that this case is stricken from the pre-trial assignment by agreement of counsel. (Luther Bohanon - Judge) b	
8-23-67	Stipulation of settlement, filed. e	
11-10-67	Ordered by the Court that this case is set for pre-trial on Monday, December 11, 1967 at 1:30 P. M. (Luther Bohanon - Judge) b	
11-30-67	Statement of Position of Plaintiff Ware and Aetna Casualty and Surety Company, Third Party defendant, filed. e	
12-4-67	Statement of Position and Brief of Royal Indemnity Corporation and The Hertz Corporation, filed. e	
12-7-67	Defendant's memorandum setting forth issues and authorities, filed. ds	
12-11-67	Case came on for pre-trial. Court orders that stipulation of facts be submitted within 20 days and briefs 30 days thereafter. (LB-J)h	
1-15-68	Ordered by the Court that this case is set for non-jury trial on Thursday, February 15, 1968 at 9:30 A. M. (Luther Bohanon - Judge) b	
1-26-68	Second set of interrogatories to the Hertz Corporation and Royal Indemnity Corporation, filed. g	
2-2-68	Brief of Plaintiff Ware and Aetna Casualty and Surety Company, filed. w	
2-7-68	Brief of Hartford Accident and Indemnity Company and Amicus Curiae for Plaintiff Ware, filed. g	
2-8-68	Stipulation of facts filed. h	
2-15-68	Case submitted. Depositions and exhibits are admitted in evidence. Stipulation made. Ordered that this case is taken under advisement, Philip Landa granted 10 days to file brief, A. M. Covington 10 days thereafter to file brief; and plaintiff 10 days thereafter to file brief; case will be set for oral arguments. (Luther Bohanon - Judge) (FS-CSR) b	
2-23-68	Brief of Royal Indemnity Corporation and the Hertz Corporation filed. h	
3-1-68	Answer brief of William Edward Ware & Aetna Casualty & Surety Co., filed. w	
3-4-68	Reply brief of Hartford and Amicus Curiae for plaintiff, filed. b	
3-11-68	Ordered by the Court that this case is set for oral arguments and decision on Wednesday, April 10, 1968 at 1:30 P. M. (Luther Bohanon - Judge) b	
4-10-68	Court finds that Royal Indemnity Corp. is not liable; that Aetna Casualty and Surety Co. and Hartford Accident and Indemnity Co. each pay the sum of \$15,000.00 to Royal Indemnity Corp. Philip N. Landa directed to prepare Findings of Fact, Conclusions of Law and Judgment and judgment will be entered upon the filing thereof. Supersedeas bond fixed in the sum of \$40,000.00 (LB-J) b	
4-22-68	Findings of Fact, Conclusions of Law and Order for Judgment, filed. (LB-J) ds	
4-22-68	Judgment filed and entered. Royal Indemnity Corp. to have judgment against Aetna Casualty & Surety Co. in the sum of \$15,000. and against Hartford Accident and Indemnity Co. in the sum of \$15,000. The plaintiff, Wm Ware, is not entitled to declaratory judgment declaring that Royal Indemnity Corp. policy afforded him coverage and is not entitled to (over)	

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	a reformation of said policy. That Royal Indemnity Corp. policy does not afford coverage to the plaintiff, Wm. Ware, and the Royal Indemnity Corp. is not liable under its policy for investigation or defense of the actions instituted by the Admx. of William Blinn, deceased, or by Burt D. Huddleston against Wm. Ware, and is not liable for the payment of the judgments obtained by them against Wm. Ware. The plaintiff, Wm. Ware, is not entitled to recover from the defendant, The Hertz Corp. (LB-J) ds (copies mailed to counsel of record)	
4-30-68	Transcript of court's findings and decision, as of 4-10-68. Frank Sickles, CCR. ds	
5-14-68	Notice of appeal by Ware and Aetna Casualty, filed. g copy to counsel.	
5-14-68	Supersedeas Bond in amt. of \$20,000, U. S. Fidelity & Guaranty Company, Surety, filed. g	
5-16-68	Notice of appeal by Hartford Accident & Indemnity Co., filed. g cpy to counsel	
5-16-68	Supersedeas Bond in amt. of \$20,000, Fidelity & Deposit Company of Maryland, surety, filed. g	
5-21-68	Order extending time to docket appeal to August 12, 1968, filed. g (LB-J)	
7-19-68	Stipulation of parties as to pleadings, etc., not being transmitted to Court of Appeals, filed. b	
7-24-68	Transcript of proceedings re certain stipulations and exhibits, February 15, 1968, original and duplicate, filed. b	
8-6-68	Record on appeal (4 vols.) forwarded to USCA, Denver. g	
2-12-70	Mandates and Opinion of USCA, 10th Circuit, affirming judgment of 4-22-68, filed and spread of record. g	
2-13-70	Release and satisfaction of judgment as to Aetna Casualty & Surety Company, filed. g	
6-18-70	Receipt and release of judgment as to Royal Indemnity Corporation and Hertz Corporation, filed. m	